

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

|                          |   |                            |
|--------------------------|---|----------------------------|
| -----                    | X |                            |
|                          | : |                            |
| UNITED STATES OF AMERICA | : |                            |
|                          | : | SECOND AMENDED FIRST FINAL |
| -v.-                     | : | <u>ORDER OF FORFEITURE</u> |
|                          | : |                            |
| MICHAEL ACKERMAN,        | : | 20 Cr. 93 (LTS)            |
|                          | : |                            |
| Defendant.               | : |                            |
|                          | : |                            |
| -----                    | X |                            |

WHEREAS, on or about September 8, 2021, the Court entered a Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment (the “Preliminary Order of Forfeiture”), forfeiting to the United States all right, title, and interest of MICHAEL ACKERMAN (the “Defendant”) in, *inter alia*, the following property:

- i. 29 Kimrey Ln, Highway 12 East, Harlowton, Montana, 59085, Legal Description S24, T08 N, R13 E, Tract 3 of COS #104358 containing 154.91 acres (the “Montana Property”);
- ii. 3875 E Lake Road, Sheffield, Ohio, 44054, Parcel Number 0300043101009 (the “Sheffield Property”);

(i and ii, together, the “Real Properties”);

WHEREAS, both the Montana Property and the Sheffield Property constituted or were derived from the proceeds traceable to the commission of the offense charged in Count One of the Indictment that the Defendant personally obtained, but the Defendant titled both the Montana Property and the Sheffield Property in the name of his wife Stacey Ackerman;

WHEREAS, the Notice of Forfeiture and the intent of the Government to dispose of the Real Properties was posted on an official government internet site ([www.forfeiture.gov](http://www.forfeiture.gov)) beginning on October 7, 2022 for thirty (30) consecutive days, through November 5, 2022, pursuant to Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty and Maritime Claims

and Asset Forfeiture Actions, and proof of such publication was filed with the Clerk of the Court January 24, 2023 (D.E. 102);

WHEREAS, on or about August 11, 2022, notice of the Preliminary Order of Forfeiture was sent via certified mail to various individuals, including but not limited to the Defendant's wife, Stacey Ackerman, by service on her at 3875 E Lake Road, Sheffield, Ohio, 44054, and on July 11, 2022, notice of the Preliminary Order of Forfeiture was sent via certified mail to her attorneys Paul Flannery, Esq. and Robert Porter, Esq., at 1375 East 9<sup>th</sup> Street, 30<sup>th</sup> Floor, Cleveland, OH 444114 (the "Noticed Parties");

WHEREAS, after final publication of the Notice of Forfeiture, thirty (30) days expired and no petitions or claims were filed by Stacey Ackerman or by any other third party, to contest the forfeiture of the Real Properties;

WHEREAS, the Defendant and the Noticed Parties were the only people and/or entities known by the Government who had a potential interest in the Real Properties;

WHEREAS, pursuant to Title 21, United States Code, Section 853(n)(7), the United States shall have clear title to any forfeited property if no petitions for a hearing to contest the forfeiture have been filed within thirty (30) days of final publication of notice of forfeiture as set forth in Title 21, United States Code, Section 853(n)(2);

WHEREAS, on or about January 25, 2023, the Court entered a First Final Order of Forfeiture (D.E. 106) (the "First Final Order of Forfeiture"), forfeiting to the United States all right, title and interest in, *inter alia*, the Montana Property and the Sheffield Property; and

WHEREAS, by the entry of the First Final Order of Forfeiture, all right, title and interest of the Defendant, as well as all right, title and interest of the Defendant's wife Stacey Ackerman, or of any other third-party, were thereby extinguished, and title to the Real Properties

were thereby forfeited and vested in the United States, pursuant to Title 21, United States Code, Section 853(n)(7); and

WHEREAS, the Government is requesting entry of this Second Amended First Final Order of Forfeiture to more particularly affirm the rights, title and interests in the Real Properties that have been forfeited and vested in the United States;

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. All right, title and interest in the Real Properties, including but not limited to the right, title and interest of the Defendant's wife Stacey Ackerman or any other third-party, is hereby forfeited and vested in the United States of America, and shall be disposed of according to law.

2. Pursuant to Title 21, United States Code, Section 853(n)(7) the United States of America shall and is hereby deemed to have clear title to the Real Properties.

3. United States Customs and Border Protection (or its designee) shall take possession of the Real Properties and dispose of the same according to law, in accordance with Title 21, United States Code, Section 853(h).

Dated: New York, New York  
\_\_\_\_\_, 2023

SO ORDERED:

\_\_\_\_\_  
HONORABLE LAURA TAYLOR SWAIN  
UNITED STATES DISTRICT JUDGE